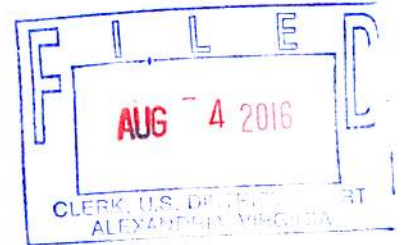


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division



ELIDA RIVAS, *et al.*,

Plaintiffs,

v.

SALDIVAR & ASSOCIATES, INC., *et al.*,

Defendants.

Civil Action No. 1:16cv0343 (LMB/JFA)

ORDER

This matter is before the court on a letter filed in this action by Robert P. Saldivar ("Saldivar"), on behalf of defendant Saldivar & Associates, Inc. (d/b/a R&R Catering) ("R&R Catering"), requesting a continuance of the hearing on plaintiffs' motion for default judgment. (Docket no. 20) ("motion to continue"). Plaintiffs' motion for default judgment was noticed for a hearing before the undersigned on Friday, August 5, 2016, at 10:00 a.m. (Docket no. 18).

The plaintiffs filed the complaint in this matter on March 29, 2016. (Docket no. 1). Thereafter, plaintiffs' counsel mailed waiver-of-service forms to all four defendants in this case on April 4, 2016. (Docket no. 2). All four defendants did not respond to the waiver requests. (*Id.*). Accordingly, on May 9, 2016, summonses were issued for service on defendants Saldivar, Michelle M. Bloxton, and Manual Chavez in their individual capacities and on Saldivar as the registered agent for defendant R&R Catering. (Docket no. 3). As relevant to the request before the court, on May 25, 2016, Saldivar was personally served with a copy of the summons and complaint, both in his individual capacity and as the registered agent of R&R Catering. (Docket nos. 6, 7). Saldivar and R&R Catering have failed to file an answer or other responsive pleading and the time for doing so has expired.

Accordingly, on June 16, 2016, plaintiffs requested an entry of default against the defendants. (Docket no. 8). Plaintiffs' request was sent to the defendants via first-class mail at their last known mailing addresses. (*Id.* at 3). The Clerk of Court entered default against the defendants on June 20, 2016. (Docket no. 10). The Clerk of Court's entry of default was sent to the defendants at their last known mailing addresses on June 20, 2016. On June 23, 2016, the District Judge entered an order directing plaintiffs to file a motion for default judgment and an accompanying memorandum and to set a hearing on the motion for default judgment for Friday, July 22, 2016. (Docket no. 11). A copy of that Order was also sent to defendants at their last known mailing addresses.

On July 8, 2016, plaintiffs filed a motion for default judgment against defendants (Docket no. 12) and a memorandum in support (Docket no. 13). Plaintiffs served the motion for default judgment on the defendants at their last known mailing addresses via first-class mail on July 8, 2016. (Docket no. 12 at 4). On July 9, 2016, plaintiffs filed a notice of hearing for their motion for default judgment for July 22, 2016. (Docket no. 14).

On July 11, 2016, the undersigned entered an order directing plaintiffs to renote their motion for default judgment to be heard on another Friday after July 22, 2016. (Docket no. 15). On July 11, 2016, plaintiffs filed a praecipe regarding their motion for default judgment (Docket no. 16). Also on July 11, 2016, plaintiffs renoted their motion for default judgment for a hearing on August 5, 2016. (Docket no. 18). On August 2, 2016, plaintiff filed a second praecipe regarding their motion for default judgment. (Docket no. 19). Defendants were served with the second praecipe by first-class mail on August 2, 2016. (*Id.* at 4).

On August 4, 2016, Saldivar, on behalf of R&R Catering, filed the instant motion for a continuance of the hearing on plaintiffs' motion for default judgment. (Docket no. 20). Prior to

this request, no counsel filed an appearance on behalf of R&R Catering nor had any request for continuance, motion for extension of time, or any responsive pleading been filed on R&R Catering's behalf. In the instant request before the court, Saldivar provides no explanation for why R&R Catering failed to respond to the complaint or pleadings in this matter before August 4, 2016. Indeed, the request seeks a continuance in this matter only on account of R&R Catering's counsel's unavailability for the August 5, 2016 hearing due to his travel to London, England to address an "urgent issue." (Docket no. 20). Such a justification fails to adequately demonstrate good cause for a continuance of the hearing on plaintiffs' motion for default judgment. *See* Local Civ. R. 7(G). As such, it is hereby

Entered this 4th day of August, 2016.

Alexandria, Virginia